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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: McPheely, Bernard M., et al

Examiner: --

Serial No.: 10/531,332

Filed: 04/14/05

For: DIGITAL DIAGNOSTIC VIDEO SYSTEM  
FOR MANUFACTURING AND  
INDUSTRIAL PROCESSES

Group Art Unit: --

Docket No.: 036628.00004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

Dear Sir:

13 FEB 2006

**PETITION UNDER RULE 47 WHERE ONE OF THE  
JOINT INVENTORS REFUSES TO SIGN  
A DECLARATION OF INVENTORSHIP**

Legal Staff  
International Division

The above identified patent application names three inventors and this Petition is being filed on behalf of two of the inventors as the third inventor has refused to join in signing the required Declaration.

The three named inventors are Bernard M. McPheely, J. Bruce Cantrell, Jr., and Michael S. O'Dea. Inventor O'Dea has refused to sign the Declaration. Accordingly, this Petition is presented on behalf of inventors McPheely and Cantrell to preserve their rights in the above identified patent application and prevent said application from becoming abandoned as such abandonment will work irreparable harm upon said two inventors. Acceptance of this application for prosecution and description of a filing date are respectfully requested.

Accompanying this Petition are:

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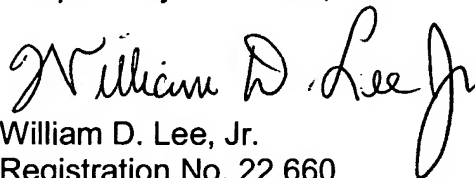
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GREENVILLE 219149v1

- 1) A Declaration setting forth the pertinent facts to support this Petition (Rule 47);
- 2) A Declaration for a Utility Application signed on behalf of inventors McPheely and Cantrell showing the International Application number and filing date;
- 3) The fee of \$130 required by 37 C.F.R. 17(h) for Rule 47 Petition;
- 4) The additional Examination fee of \$100;
- 5) The appropriate extension and petition fee of \$225;
- 6) The last known address of all of the inventors is shown on the accompanying Declaration.

Accordingly, applicants hereby respectfully request that the Commissioner grant their Petition so that the subject application may proceed through prosecution and that their rights to a patent will not be forfeited by the refusal of inventor O'Dea to sign the Declaration.

Respectfully submitted,



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Attorney for Applicants

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Alexandria, VA 22313-1450

Dear Sir:

**DECLARATION IN SUPPORT OF A  
PETITION UNDER RULE 47**

I, Cort Flint, declare under penalty of law that the following facts are true and correct to the best of my knowledge and belief:

1) I am a duly appointed attorney of record in the above identified patent application;

2) I caused the priority application Serial No. 60/421,492; application PCT/US03/03391; and the present application U.S. Serial No. 10/531,332 to be filed on behalf of the inventors;

3) The application names three joint inventors, namely, Bernard M. McPheely; J. Bruce Cantrell, Jr.; and Michael S. O'Dea;

4) After the National Phase application, U.S. Serial No. 10/531,332, was filed a Notice of Missing Parts was subsequently issued by the Patent Office requiring a new Declaration identifying the parent International Application, PCT/US03/03391.

5) Accordingly, after receiving the Notice of Missing Parts, I contacted the inventors in order to have them file a new Declaration.

6) Inventors McPheely and Cantrell agreed to sign a new Declaration.

7) Inventor O'Dea refused to sign and in a telephone conversation with

Inventor O'Dea on or about November 11, 2005, Mr. O'Dea said that he would not sign the Declaration, that he would have to be sued before he would sign it.

8) Accordingly, after the refusal by inventor O'Dea this Declaration in support of a Petition to accept the subject application for filing and accorded a filing date was prepared.

I, Cort Flint, the undersigned, do hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

December 21, 2005

  
Cort Flint, Attorney for Applicants